

Response
U.S. Patent Application No. 09/851,536

REMARKS

Claims 1, 2 and 4-8 are pending in the subject application. These claims have been examined and stand rejected. Favorable reconsideration of the application and allowance of all of the pending claims are respectfully requested in view of the following remarks.

Record of Interview

Applicants wish to thank the Examiner for graciously granting the personal interview of November 15, 2005 to the undersigned attorney. Pursuant to MPEP 713.04, Applicant provides below the substance of the interview.

(A) No exhibits were shown or demonstrations conducted.

(B) Claim 1 was discussed.

(C) The cited Howorth and Valdna references (UK Patent Application No. GB 2,214,382 and U.S. Patent No. 6,254,806) were discussed.

(D) A proposed amendment to claim 1 was discussed. The Examiner and the Examiner's supervisor agreed that claim 1 is not obvious based upon Howorth in view of Valdna.

(E) The general thrust of the principal arguments discussed in the interview are the same as those set forth below in the *Response* section.

Response to Prior Art Rejections

Claims 1, 2, 4 and 7 stand rejected under 35 U.S.C. §103(a) as being obvious over UK Patent Application No. GB 2,214,382 to Howorth ("Howorth") in view of U.S. Patent No. 6,254,806 to Valdna et al. ("Valdna"); claims 5 and 6 stand rejected under 35 U.S.C. §103(a) as being obvious over Howorth in view of Valdna and further in view of U.S. Patent No. 5,541,012 to Ohwaki et al. ("Ohwaki"); and claim 8 stands rejected under 35 U.S.C. §103(a) as being obvious over Howorth in view of Valdna and further in view of U.S. Patent No. 6,081,577 to Weber. Applicants respectfully traverse these rejections based upon the remarks as set forth below.

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Regarding the rejection to the claims, the Examiner has acknowledged in the Interview Summary that the teachings of Valdna destroy the teachings of Howorth, with particular regard to the teachings at page 3 of Howorth. Thus, the Examiner now agrees that the rejection of claim 1 fails and should therefore be withdrawn. Per the discussion in the interview, Applicants reiterate the following remarks that have been previously presented, and the Examiner has indicated that appropriate action will then be taken.

The Examiner is respectfully requested to reconsider the rejection of independent claim 1 as being obvious over Howorth in view of Valdna. In essence, the Examiner's position in the outstanding Office Action is that Howorth teaches an anti-stokes phosphor, but not an anti-stokes phosphor that emits in the recited 950 nm to 1075 nm range. The Examiner then relies on Valdna for its teaching of a phosphor that emits within the recited range. However, as apparently acknowledged by the Examiner, the Valdna reference fails to teach an anti-stokes phosphor. Next, the Examiner asserts that it would have been obvious to provide a phosphor having the recited emission, as taught in Valdna, in the camera of Howorth. Even assuming this would be a reasonable modification of Howorth, at best this would suggest adding a phosphor that follows Stokes law and emits in the 950 nm to 1075 nm range, which fails to meet the limitation of an anti-stokes phosphor that emits in the recited range as recited in claim 1.

Alternatively, if the Examiner's position is that it would have been obvious to modify the anti-stokes phosphor of Howorth, based upon the teachings of Valdna, to emit in the recited 950 nm to 1075 nm range, this is clearly an improper and unreasonable combination of these references. There is no teaching in Valdna to indicate how or in what manner the phosphors of Howorth could be modified to emit within the recited range while still being anti-stokes phosphors. The Examiner is therefore requested to reconsider and withdraw the rejection of claim 1 as being obvious over the combination of Howorth and Valdna.

Claims 2 and 4-8 depend from claim 1, and thus include all the limitations of this claim. Accordingly, these claims should also be allowed over any combination of Howorth and Valdna, and the Examiner is requested to reconsider and withdraw the rejection of these claims.

In view of the foregoing, the Examiner is respectfully requested to find the application to

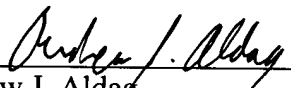
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be in condition for allowance with claims 1, 2 and 4-8. However, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney to discuss any unresolved issues and to expedite the disposition of the application.

Submitted herewith is a petition for a one month extension of time and a Request for Continued Examination with the requisite fees. Applicants hereby petition for any additional extension of time that may be required to maintain the pendency of this case, and any required fee for such extension is to be charged to Deposit Account No. 05-0460.

Respectfully submitted,



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